

**REMARKS**

Claims 1-3 and 7-13 are pending in this application. By this Amendment, claims 9 and 12 are amended as suggested in the Office Action. No new matter is added. Reconsideration of this application in view of the above amendments and the following remarks is respectfully requested.

Entry of the amendments is proper under 37 CFR §1.116 because the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration as the amendments merely amend claims 9 and 12 as suggested in the Office Action to satisfy a requirement of form asserted in the previous Office Action; and (c) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

The Office Action rejects claims 9 and 12 under 35 U.S.C. §112, first paragraph. The rejection is obviated by the amendments to claims 9 and 12, which amend these claims as suggested in the Office Action. Accordingly, it is respectfully requested that the rejection be withdrawn.

The Office Action rejects claims 1-3, 8, 10, 11 and 13 under 35 U.S.C. §103(a) over JP-A-2002-352837 to Kazuo. The rejection is respectfully traversed.

Kazuo would not have rendered obvious a fuel cell system having a fuel gas pump for circulating the fuel gas in a circulation route... wherein the circulation route is connected to the fuel gas supply line such that the fuel gas is returned to the fuel gas supply line upstream of the pressure-regulating means... and a control unit outputs a control signal to the fuel gas pump to control the fuel gas that is circulated in the circulation route, as recited in independent claim 1.

The Office Action asserts that the ejector pump 4 of Kazuo corresponds to the claimed fuel gas pump. Applicant respectfully disagrees.

As disclosed, for example, on page 1, line 20 to page 2, line 6 of Applicant's specification, when a hydrogen pump is used in a gas circulation route, discharge pressure from the hydrogen pump contains a fluctuation component that affects hydrogen supply pressure that is depressurized by a pressure-regulating valve in a fuel gas supply line. The fluctuation of the hydrogen supply pressure makes power generation control in the fuel cell unstable.

This same stability problem does not occur in a system such as that disclosed by Kazuo. An ejector, such as ejector pump 4 of Kazuo, is a device that uses the pressure difference caused by a gas flow to combine the gas flow in the circulation route with the gas flow in the fuel gas supply line. Therefore, the ejector pump 4 of Kazuo inherently does not cause a pressure fluctuation problem on its outlet side. Thus, the ejector pump 4 of Kazuo does not correspond to the claimed fuel gas pump. Additionally, it would not have been obvious to control the ejector pump 4 of Kazuo in the manner proposed by the Office Action based on different way that an ejector functions.

Further, even if the ejector pump 4 of Kazuo could be considered a fuel gas pump, Kazuo fails to disclose that the circulation route of Kazuo is connected upstream of a pressure regulating means, as recited in claim 1. In particular, in Kazuo a supply pressure control valve 3 determines the gas pressure in the fuel gas supplying line L1 (see paragraph [0039]). Therefore, the second circulation valve 31 cannot reasonably be considered as corresponding to a pressure-regulating means, as claimed in independent claim 1. The circulation route of Kazuo does not connect to the fuel gas supplying line L1 upstream of the supply pressure control valve 3. Accordingly, Kazuo does not disclose a circulation route that is connected to

a fuel gas supply line such that fuel gas is returned to the fuel gas supply line upstream of a pressure-regulating means, as recited in independent claim 1.

Therefore, independent claim 1, and dependent claims 2, 3, 8, 10, 11 and 13, are patentable over Kazuo. Accordingly, it is respectfully requested that the rejection be withdrawn.

The Office Action rejects claims 7 and 8 under 35 U.S.C. §103(a) over Kazuo in view of DE 10331261 to Morishima et al. (Morishima) (equivalent to U.S. Patent No. 7,105,423); and rejects claims 9 and 12 under 35 U.S.C. §103(a) over Kazuo in view of U.S. Patent Application Publication No. 2003/0012991 A1 to Muehlherr et al. (Muehlherr). The rejections are respectfully traversed.

Claims 7-9 and 12 incorporate the features of independent claim 1. Because Morishima and Muehlherr fail to overcome the deficiencies of Kazuo, these claims also are patentable over the applied references for at least the above reasons, as well as for the additional features that these claims recite. Thus, it is respectfully requested that the rejection be withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-3 and 7-13 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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